

TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203, 203.1, 331, 332, 1050, 1572, 3452, 3453, 4005, 4009.5, 4751, 4902 and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 331, 332, 460, 713, 1050, 1570-1572, 1801, 3452, 3453, 3800, 3950, 3951, 4005, 4009.5, 4330-4333, 4336, 4751, 4756, 4800-4805, 4902, 10500 and 10502 of said Code, proposes to amend Sections 265, 360, 361, 362, 363, 364, 365, 366, 555, 708 and 713, Title 14, California Code of Regulations, relating to Mammal Hunting Regulations.

Pursuant to the provisions of sections 203 and 203.1 of the Fish and Game Code, the Fish and Game Commission will consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts and testimony in adopting season, bag and possession limits, and areas of take, and prescribe the manner and means of taking as part of the 2010-2011 Mammal Hunting Regulations.

At the Fish and Game Commission's meeting on February 4, 2010, the Department of Fish and Game made the following recommendations for changes relative to game mammal regulations for the 2010-2011 seasons: proposes to amend sections 265, 360, 361, 362, 363, 364, 365, 366, 555, 708 and 713, Title 14, California Code of Regulations, to make tag quota changes, clarifications, and urgency changes for the 2010-2011 Mammal Hunting Regulations.

Informative Digest/Policy Statement Overview

Amend Subsection 265, Re: Use of Dogs for Pursuit/Take of Mammals or for Dog Training

Existing regulations provide boundaries for dog control zones where dogs are not allowed to be used for the pursuit/take of mammals or for dog training from the first Saturday in April through the day preceding the opening of the general deer season. The proposed change modifies the boundaries for the dog control zones to better align the boundaries with roads and to provide additional areas for dogs to be exercised and trained.

Existing regulations specify collars worn by dogs during the pursuit or take of mammals shall not have tip switches or global positioning systems (GPS). The proposed change eliminates this unnecessary prohibition.

Amend Subsection 360(a), Re: Deer: A, B, C, and D Zone Hunts

Existing regulations provide for the number of license tags available for the A, B, C, and D Zones. This regulatory proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Deer: § 360(a) A, B, C, and D Zone Hunts - Tag Allocations		
Zone	Current	Proposed
A	65,000	30,000-65,000
B	55,500	35,000-65,000
C	8,150	5,000-15,000
D3-5	33,000	30,000-40,000
D-6	10,000	6,000-16,000

Deer: § 360(a) A, B, C, and D Zone Hunts - Tag Allocations		
Zone	Current	Proposed
D-7	9,000	4,000-10,000
D-8	8,000	5,000-10,000
D-9	2,000	1,000-2,500
D-10	700	400-800
D-11	5,500	2,500-6,000
D-12	950	100-1,500
D-13	4,000	2,000-5,000
D-14	3,000	2,000-3,500
D-15	1,500	500-2,000
D-16	3,000	1,000-3,500
D-17	500	100-800
D-19	1,500	500-2,000

Amend Subsection 360(b), Re: Deer: X-Zone Hunts

Existing regulations provide for the number of hunting tags for the X zones. The proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Deer: § 360(b) X-Zone Hunts - Tag Allocations		
Zone	Current	Proposed
X-1	2,370	1,000-6,000
X-2	185	50-500
X-3a	240	100-1,200
X-3b	825	200-3,000
X-4	375	100-1,200
X-5a	60	25-200
X-5b	110	50-500
X-6a	325	100-1,200
X-6b	370	100-1,200
X-7a	200	50-500
X-7b	120	25-200
X-8	220	100-750
X-9a	650	100-1,200
X-9b	325	100-600

Deer: § 360(b) X-Zone Hunts - Tag Allocations		
Zone	Current	Proposed
X-9c	325	100-600
X-10	400	100-600
X-12	760	100-1,200

Amend Subsection 360(c) Re: Deer: Additional Hunts

Existing regulations provide for the number of hunting tags in the Additional Hunts. The proposal changes the number of tags for all existing hunts to a series of ranges as indicated in the table below. The proposal provides a range of tag numbers for each hunt from which a final number will be determined, based on the post-winter status of each deer herd. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April.

Existing regulations for Additional Hunts G-8 (Fort Hunter Liggett Antlerless Deer Hunt) and J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) provide for hunting to begin on October 3 and continue for two (2) consecutive days and reopen on October 10 and continue for three (3) consecutive days in order to accommodate for Base operations and other hunt opportunities. The proposal would modify the season to account for the annual calendar shift by changing the season opening dates to October 2 and October 9, respectively, in order to accommodate for Base operations.

Existing regulations for Additional Hunt G-11 (Vandenberg Either-Sex Deer Hunt) restricts the issuance of tags to military and Department of Defense personnel only. Under Federal Law certain individuals of Native American descent have rights to access portions of the base. The base has requested a modification to this restriction in order to comply with Federal Law. The proposal would modify the conditions for tag issuance to include individuals authorized by the Installation Commander. This action would provide the Installation Commander with the flexibility to authorize eligible Native Americans to hunt on the Base.

Deer: § 360(c) Additional Hunts - Tag Allocations		
Hunt Number (and Title)	Current	Proposed
G-1 (Late Season Buck Hunt for Zone C-4)	2,710	500-5,000
G-3 (Goodale Buck Hunt)	35	5-50
G-6 (Kern River Deer Herd Buck Hunt)	50	25-100
G-7 (Beale Either-Sex Deer Hunt)	20 Military *	20 Military *
G-8 (Fort Hunter Liggett Antlerless Deer Hunt)	10 Military * and 10 Public	10 Military * and 10 Public
G-9 (Camp Roberts Antlerless Deer Hunt)	15 Military * and 15 Public	15 Military * and 15 Public
G-10 (Camp Pendleton Either-Sex Deer Hunt)	400 Military *	400 Military *
G-11 (Vandenberg Either-Sex Deer Hunt)	500 Military * and DOD **	500 Military *, DOD and as Authorized by the Installation Commander **
G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt)	30	10-50
G-13 (San Diego Antlerless Deer Hunt)	300	50-300

Deer: § 360(c) Additional Hunts - Tag Allocations		
Hunt Number (and Title)	Current	Proposed
G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt)	25	10-50
G-21 (Ventana Wilderness Buck Hunt)	25	25-100
G-37 (Anderson Flat Buck Hunt)	25	25-50
G-38 (X-10 Late Season Buck Hunt)	300	50-300
G-39 (Round Valley Late Season Buck Hunt)	5	5-150
M-3 (Doyle Muzzleloading Rifle Buck Hunt)	20	10-75
M-4 (Horse Lake Muzzleloading Rifle Buck Hunt)	10	5-50
M-5 (East Lassen Muzzleloading Rifle Buck Hunt)	10	5-50
M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt)	80	25-100
M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt)	150	50-150
M-8 (Bass Hill Muzzleloading Rifle Buck Hunt)	20	5-50
M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt)	15	5-100
M-11 (Northwestern California Muzzleloading Rifle Buck Hunt)	20	20-200
MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt)	150	20-150
MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt)	150	20-150
J-1 Lake Sonoma Apprentice Either-Sex Deer Hunt)	25	10-25
J-3 (Tehama Wildlife Area Apprentice Buck Hunt)	15	15-30
J-4 Shasta-Trinity Apprentice Buck Hunt)	15	15-50
J-7 (Carson River Apprentice Either-Sex Deer Hunt)	15	10-50
J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt)	15	10-20
J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt)	5	5-10
J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	10 Military * and 75 Public	10 Military * and 75 Public
J-11 (San Bernardino Apprentice Either-Sex Deer Hunt)	40	10-50
J-12 (Round Valley Apprentice Buck Hunt)	10	10-20
J-13 (Los Angeles Apprentice Either-Sex Deer Hunt)	40	25-100
J-14 (Riverside Apprentice Either-Sex Deer Hunt)	30	15-75
J-15 (Anderson Flat Apprentice Buck Hunt)	10	5-30
J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt)	75	10-75
J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt)	25	5-25
J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt)	75	10-75
J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt)	25	10-40
J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt)	20	5-20
J-21 (East Tehama Apprentice Either-Sex Deer Hunt)	50	20-80

* *Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically*

conservative hunting programs.
 ** DOD = Department of Defense and eligible personnel as authorized by the Installation Commander.

Amend Section 361 Re: Archery Deer Hunting

Existing regulations provide for the number of hunting tags for existing area-specific archery hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the table below. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Existing regulations for Archery Hunt A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt) provide for hunting on Saturdays, Sundays and holidays only beginning the first Saturday in October and continuing through November 8, except if rescheduled by the Base Commander between the season opener and December 31 with Department concurrence. The proposal would modify the season to account for the annual calendar shift by changing the season closing date to November 7.

Archery Deer Hunting: § 361 - Tag Allocations		
Hunt Number (and Title)	Current	Proposed
A-1 (C Zones Archery Only Hunt)	1,945	150-3,000
A-3 (Zone X-1 Archery Hunt)	270	50-1,000
A-4 (Zone X-2 Archery Hunt)	10	5-100
A-5 (Zone X-3a Archery Hunt)	25	10-300
A-6 (Zone X-3b Archery Hunt)	80	25-400
A-7 (Zone X-4 Archery Hunt)	140	25-400
A-8 (Zone X-5a Archery Hunt)	20	15-100
A-9 (Zone X-5b Archery Hunt)	5	5-100
A-11 (Zone X-6a Archery Hunt)	55	10-200
A-12 (Zone X-6b Archery Hunt)	140	10-300
A-13 (Zone X-7a Archery Hunt)	50	10-200
A-14 (Zone X-7b Archery Hunt)	25	5-100
A-15 (Zone X-8 Archery Hunt)	40	5-100
A-16 (Zone X-9a Archery Hunt)	140	50-500
A-17 (Zone X-9b Archery Hunt)	300	50-500
A-18 (Zone X-9c Archery Hunt)	350	50-500
A-19 (Zone X-10 Archery Hunt)	120	25-200
A-20 (Zone X-12 Archery Hunt)	170	50-500
A-21 (Anderson Flat Archery Buck Hunt)	25	25-100
A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	200-1,500
A-24 (Monterey Archery Either-Sex Deer Hunt)	100	25-200
A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	20-75
A-26 (Bass Hill Archery Buck Hunt)	30	10-100
A-27 (Devil's Garden Archery Buck Hunt)	10	5-75
A-30 (Covelo Archery Buck Hunt)	40	20-100
A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	200-1,500

Archery Deer Hunting: § 361 - Tag Allocations		
Hunt Number (and Title)	Current	Proposed
A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	50-300
A-33 (Fort Hunter Liggett Late Season Archery Either-Sex Deer Hunt)	25 Military* and 25 Public	25 Military* and 25 Public

* *Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.*

Amend Subsection 362, Re: Nelson Bighorn Sheep

Existing regulations provide for the number of bighorn sheep hunting tags for each hunt zone. This proposed regulatory action would provide for tag allocations for most hunt zones pending final tag quota determinations based on survey results that should be completed by February of 2010. The final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bighorn sheep. The following proposed number of tags was determined using the procedure described in Fish and Game Code Section 4902:

HUNT ZONE	NUMBER OF TAGS
Zone 1 - Marble Mountains	3-5
Zone 2 - Kelso Peak/Old Dad Mountains	4-6
Zone 3 - Clark/Kingston Mountain Ranges	1-3
Zone 4 - Orocopia Mountains	1-2
Zone 5 - San Geronio Wilderness	1-2
Zone 6 - Sheep Hole Mountains	1-3
Zone 7 - White Mountains	3-4
Open Zone Fund-Raising Tag	0-1
Marble/Clipper/Sheep Hole Mountains Fund-Raising Tag	0-1
Kelso Peak/Old Dad Mountains Fund-Raising Tag	0-1
TOTAL	14-28

The number of tags allocated for each of the seven hunt zones is based on the results of the Department's 2009 estimate of the bighorn sheep population in each zone. Tags are proposed to allow the take of less than 15 percent of the mature rams estimated in each zone. The final number of tags will be identified and reported in the Final Statement of Reasons based upon findings from the annual winter surveys.

Amend Section 363 Re: Pronghorn Antelope

Existing regulations provide for the number of pronghorn antelope hunting tags for each hunt zone. This proposed regulatory action would provide for tag allocation ranges for most hunt zones pending final tag quota determinations based on winter survey results that should be completed by March of 2010. The final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bucks and does in specific populations. The proposed tag allocation ranges for the hunt zones are as set forth below.

2010 Pronghorn Antelope Tag Allocation Ranges						
Hunt Area	Archery-Only Season		General Season			
			Period 1		Period 2	
	Buck	Doe	Buck	Doe	Buck	Doe
Zone 1 – Mount Dome	1-10	0-3	3-60	0-20	0	0

2010 Pronghorn Antelope Tag Allocation Ranges						
Hunt Area	Archery-Only Season		General Season			
			Period 1		Period 2	
	Buck	Doe	Buck	Doe	Buck	Doe
Zone 2 – Clear Lake	1-10	0-3	5-80	0-25	0	0
Zone 3 – Likely Tables	2-20	0-7	25-150	0-50	25-130	0-50
Zone 4 – Lassen	2-20	0-7	25-150	0-50	25-150	0-50
Zone 5 – Big Valley	1-15	0-5	3-150	0-50	0	0
Zone 6 – Surprise Valley	1-10	0	3-25	0-7	0	0
<u>Likely Tables Apprentice Hunt</u>	N/A		<u>1-5 Either-Sex</u>		<u>0</u>	
Big Valley Apprentice Hunt	N/A		1-15 Either-Sex		0	
Lassen Apprentice Hunt	N/A		1-15 Either-Sex		0	
Surprise Valley Apprentice Hunt	N/A		1-4 Either-Sex		0	
Fund-Raising Hunt	N/A		1-10 Buck			

Existing regulations do not offer an apprentice pronghorn hunt in the Likely Tables area. The proposed regulation would establish a new apprentice hunt for pronghorn during a season beginning the Saturday following the third Wednesday in August and continue for 9 consecutive days.

Amend Section 364 Re: Elk

Existing regulations specify elk license tag quotas for each hunt. In order to maintain hunting quality in accordance with management goals and objectives, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. This proposed amendment modifies elk tag numbers to ranges of tags to adjust for fluctuations in population numbers.

Periodic quota changes are necessary to maintain hunting quality in accordance with management goals and objectives.

2010 Proposed Elk Tag Allocation										
Hunt Name	Antler-less	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antler-less	Muzzle-loader either-sex	Archery Either-Sex	Archery Antler-less	Archery Bull
Roosevelt Elk										
Siskiyou	0-30		0-30							
Del Norte	0-20		0-15							
Marble Mountains	0-30		0-70							
Marble Mtns Apprentice		0-4								
Marble Mtns Muzzleloader/ Archery		0-10								
Klamath	0-20		0-20							
Big Lagoon	0-10		0-10							
Northwestern California		0-30								

2010 Proposed Elk Tag Allocation

Hunt Name	Antler-less	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antler-less	Muzzle-loader either-sex	Archery Either-Sex	Archery Antler-less	Archery Bull
Rocky Mountain Elk										
Northeastern	0-10		0-30					0-20		
Northeastern Apprentice		0-4								
Tule Elk										
Cache Creek	0-4		0-4							
Cache Creek Apprentice			0-2							
La Panza										
Period 1	0-10		0-12							
Period 1 (Apprentice)	0-2		0-2							
Period 2	0-12		0-12							
Owens Valley										
Multiple-Zone									0-10	0-10
Bishop										
Period 1 Muzzleloader					0-10	0-30				
Period 2 Apprentice	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							
Period 5	0-30		0-10							
Independence										
Period 1 Muzzleloader (New)					0-10	0-10				
Period 2	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							
Period 5	0-30		0-10							
Lone Pine										
Period 1 Archery (New)									0-30	0-10
Period 2	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							
Period 5	0-30		0-10							
Tinemaha										
Period 1 Archery									0-30	0-10
Period 2	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							
Period 5	0-30		0-10							
West Tinemaha										
Period 1	0-30		0-10							
Period 2	0-30		0-10							
Period 3	0-30		0-10							
Period 4	0-30		0-10							
Period 5	0-30		0-10							
Tinemaha Mountain (New)										
Period 1			0-8							
Period 2			0-8							
Period 3			0-8							
Period 4			0-8							
Period 5			0-8							
Whitney (New)										
Period 1 Archery									0-30	0-10
Period 2	0-10		0-4							
Period 3	0-10		0-4							
Period 4	0-10		0-4							
Period 5	0-10		0-4							
Grizzly Island										
Period 1	0-12		0-2	0-6						
Period 1 Apprentice	0-2			0-2						
Period 2	0-12		0-3	0-6						
Period 2 Apprentice				0-2						

2010 Proposed Elk Tag Allocation										
Hunt Name	Antler-less	Either-Sex	Bull	Spike	Muzzle-loader Bull	Muzzle-loader Antler-less	Muzzle-loader either-sex	Archery Either-Sex	Archery Antler-less	Archery Bull
Period 3	0-12		0-3	0-4						
Fort Hunter Liggett										
Archery Only								0-12	0-20	
Period 1	0-28									
Period 1 Apprentice	0-8									
Period 2	0-32									
Period 3			0-28							
Period 3 Apprentice			0-4							
Muzzleloader Bull (new)					0-12					
Early Season Bull (new)			0-4							
East Park Reservoir										
Period 1			0-4							
Period 3	0-8									
San Luis Reservoir	0-5	0-10	0-10							
Mendocino (New)	0-4		0-4							
Bear Valley (new)	0-2		0-4							
Lake Pillsbury (New)	0-4		0-4							
Alameda (New)			0-4							
Santa Clara (New)			0-4							

Existing regulations do not allow the appropriate allocation of tags to obtain the desired harvest between subgroups in the Lone Pine zone in the Owens Valley. The proposal will modify the hunt boundary and create an additional zone (Whitney tule elk hunt). Tags will be issued for the new Whitney zone period one archery (range 0-30 antlerless, 0-10 bull) and periods two, three, four, and, five general season methods (range 0-10 antlerless, 0-4 bull). The proposal will provide elk hunting opportunities consistent with the objectives for tule elk in the Owens Valley.

Existing regulations do not allow the appropriate allocation of tags to obtain the desired harvest between subgroups in the West Tinemaha zone in the Owens Valley. The proposal will modify the hunt boundary and create an additional zone (Tinemaha Mountain tule elk hunt). Tags will be issued for the new Tinemaha zone utilizing existing hunt periods one through five in the Owens Valley (range 0-8 bull). The proposal will provide elk hunting opportunities consistent with the objectives for tule elk in the Owens Valley.

Existing regulations do not provide for public tule elk hunting in Mendocino County. The proposal will establish a new tule elk hunt in a portion of Mendocino County (called Mendocino tule elk hunt) with bull tags (range 0-4) and antlerless tags (range 0-4) during a season beginning on the Wednesday preceding the fourth Saturday in September and continue for 12 consecutive days. The proposal will provide additional elk hunting opportunities, consistent with the statewide management objectives for tule elk.

Existing regulations provide limited opportunities for public tule elk hunting in Lake County. The proposal will establish a new tule elk hunt in a portion of Lake County (called Lake Pillsbury tule elk hunt) with bull tags (range 0-4) and antlerless tags (range 0-4) during a season beginning on the second Wednesday in September and continue for 10 consecutive days. The proposal will provide additional elk hunting opportunities, consistent with the statewide management objectives for tule elk.

Existing regulations provide none or limited opportunities for public tule elk hunting in portions of Colusa, Lake, and Yolo Counties. The proposal will establish a new tule elk hunt in portions of Colusa, Lake, and Yolo Counties (called Bear Valley tule elk hunt) with bull tags (range 0-) and antlerless tags (range 0-2) during a season beginning on the second Saturday in October and continue for 9 consecutive days. The proposal will provide additional elk hunting opportunities, consistent with the statewide management objectives for tule elk.

Existing regulations do not provide for public tule elk hunting in portions of Alameda and San Joaquin Counties. The proposal will establish a new tule elk hunt in portions of Alameda and San Joaquin Counties (called Alameda tule elk hunt) with bull tags (range 0-4) during a season beginning on the

second Saturday in October and continue for 16 consecutive days. The proposal will provide additional elk hunting opportunities, consistent with the statewide management objectives for tule elk.

Existing regulations provide none or limited opportunities for public tule elk hunting in portions of Merced, Santa Clara, and Stanislaus Counties. The proposal will establish a new tule elk hunt in portions of Merced, Santa Clara, and Stanislaus Counties (called Santa Clara tule elk hunt) with bull tags (range 0-4) during a season beginning on the second Saturday in October and continue for 16 consecutive days. The proposal will provide additional elk hunting opportunities, consistent with the statewide management objectives for tule elk.

Existing regulations establish season dates for the Fort Hunter Liggett tule elk hunts. The proposed regulations for Fort Hunter Liggett increase the number of hunt days for each hunt. The proposal modifies the following: extends the season dates for the archery either-sex from five days to nine days beginning on the first Saturday in September; modifies the archery antlerless from the second Thursday in October to the fourth Saturday in September and extends it from five to nine consecutive days; modifies the period one antlerless (general and apprentice) from the second Thursday in October to the third Saturday in October and extends it from five to nine consecutive days; modifies the period two antlerless from the fourth Wednesday in November to the third Saturday in November and extends it from five to nine consecutive days; modifies the period three bull (general and apprentice) from the last Wednesday in December to the fourth Wednesday in December and extends it from five to 12 consecutive days in order to increase hunter opportunity accommodate military operations.

Existing regulations end the fund raising tag in the Northwestern Roosevelt elk zone prior to the close of the general season. The proposed regulation modifies the ending date of the fund raising tag to end on the same day as the general hunt. Season shall open on the last Wednesday in August and continue for 19 consecutive days.

Existing regulations end the fund raising tag in the Northeastern Rocky Mountain elk zone prior to the close of the general season. The proposed regulation modifies the ending date of the fund raising tag to end on the same day as the general hunt. Season shall open on the Wednesday preceding the last Saturday in August and continue for 33 consecutive days.

Existing regulations specify boundaries for the Marble Mountain Roosevelt elk hunt and Northeastern Rocky Mountain elk hunt. The proposed change expands the Marble Mountain and Northeast zone south to encompass additional area occupied by elk and is consistent with the natural range expansion of elk which has occurred since these hunts were established. The proposal is necessary to improve hunter opportunity and is consistent with management objectives for elk in these areas.

Existing regulations specify the boundary for the Big Lagoon Roosevelt elk hunt. The proposed change modifies the boundary from a power line right of way to a road in order to better distinguish the boundary between zones.

Existing regulations specify boundaries for the West Tinemaha tule elk zone. The proposal modifies the boundary by dividing the zone into two separate zones. This will create a new zone called Tinemaha Mountain. This will allow more precise allocation of tags to allow appropriate harvest between subgroups.

Existing regulations specify boundaries for the Lone Pine tule elk zone. The proposal modifies the boundary by dividing the zone along highway 395 into two separate zones. This will create a new zone called Whitney. This will allow more precise allocation of tags to allow appropriate harvest between subgroups.

Existing regulations specify hunts for the Marble Mountain elk hunts. The proposed change adds an additional combination archery and muzzleloader hunt after the existing hunt period. Either-sex tags (range 0-10) would be issued during a season beginning the last Saturday in October and continuing for nine consecutive days. The proposal is necessary to improve hunter opportunity and is consistent with management objectives for elk in the area.

Existing regulations do not offer muzzleloader hunts at Fort Hunter Liggett. The proposed regulation would establish a muzzleloader bull hunt (range 0-6) during a season beginning the first Saturday in November and continuing for nine consecutive days.

Existing regulations do not offer an early season general method bull hunt at Fort Hunter Liggett. The proposed regulation would establish a new hunter for bull tute elk (range 0-2) for military use during a season beginning on the second Tuesday in September and continuing for nine consecutive days.

Existing regulations allow the Owens Valley early season region wide archery tags to be utilized in all the Owens Valley zones (Bishop, Independence, Lone Pine, Tinemaha, and West Tinemaha). The proposed regulation would limit the zones the tags are valid in to the Bishop, Independence, Lone Pine, Tinemaha Mountain (new), and Whitney (new) zones and change the name of hunt to the Owens Valley early season multiple zone archery hunt.

Existing regulations specify methods of take for each hunt period in the Owens Valley. In an effort to increase hunter success the proposed regulation modifies the period one hunt in the Independence zone from archery to muzzleloader and the Lone Pine zone period one hunt from muzzleloader to archery.

Existing regulations authorize tags that are valid in both the Tinemaha and West Tinemaha zones. In an effort to manage harvest between these groups of elk the proposed regulation would issue tags independently for each zone.

Existing regulations for the Siskiyou Roosevelt elk hunt authorizes either-sex and antlerless tags. In an effort to better manage harvest the proposal would convert the either-sex tags to bull tags.

Existing regulations for the Marble Mountain, Northeastern, and Big Lagoon elk hunts authorizes either-sex general tags. In an effort to better manage harvest and allow more opportunity to hunters the proposal would convert general either-sex tags to bull and antlerless tags.

Amend Subsection 365 Re: Bear

Existing subsection 365(a), Title 14, California Code of Regulations, provides a description of the bear hunting area for California. The proposed regulation change provides additional hunting opportunity by enlarging the Northern California bear hunting area to include deer hunting zone X-3b in Modoc and Lassen counties, enlarging the Southern California bear hunting area to include portions of San Luis Obispo County, and the Southeastern Sierra bear hunting area by including an additional portion of Inyo County to make the boundary more enforceable.

Existing subsection 365(b), Title 14, California Code of Regulations, requires the bear season to close early when the Department receives notification that 1,700 bears have been taken. In addition, the Department is required to send a letter to each bear hunter when this early closure occurs. The proposed change eliminates the early closure of the bear hunting season, because it is unnecessary and insignificant to the bear population, and the cost of notifying all hunters by mail is an unnecessary expense.

In addition, there is a minor edit to clarify the regulations by specifying that the limit for bear hunting is one bear per hunting license year rather than one bear per season.

Amend Subsection 366 Re: Archery Bear Hunting

Existing Section 366, Title 14, California Code of Regulations, provides a statewide archery bear hunting season beginning the third Saturday in August for 23 consecutive days. The proposed change would begin the archery bear seasons with the archery deer seasons. This would eliminate a problem in deer hunting zone A, where the general bear hunting season opens before the archery bear hunting season.

Current regulations specify that one bear may be taken per season. This is confusing for individuals who hunt both the general and archery seasons, because only one bear may be taken per year. The proposed change clarifies that one bear may be taken per license year.

Currently, subsection 366(f) specifies that "no more than 15,000 bear tags shall be issued pursuant to section 367." This subsection refers to old regulatory language which no longer exists. The proposed change deletes this subsection.

Amend Section 555 Re: Cooperative Elk Hunting Areas

Existing regulations specify that the Department will issue tags by random drawing from the pool of qualified applicants. In recent years for many of the cooperative elk hunts the number of applicants has exceeded the number of available tags. In an attempt to issue tags in an equitable manner the proposed amendment implements one year of non-eligibility for previously successful applicants for cooperative elk hunts with more applicants than tags.

Amend Subsection 360(d), Section 702 & Subsections 708(a)(2)(A) and(D), 708(b)(1), 708(c)(3), 708(d)(1), 708(g)(1)(K); and Add Subsections 708(g)(1)(L) and 708(h) Re: Hunting Applications, Tags, Seals, Permits, Reservations and Fees: and Big Game License Tag, Application, Distribution and Reporting Procedures

Adjust the hunting fees in regulation as allowed under Fish and Game Code. Existing regulations provide for the issuance of deer tags based on when the tag quota for the hunt or zone filled during the previous license year. This regulatory proposal would repeal the exceptions for C, D12 and D17 deer tags. This proposal would specify requirements for hunters who appeal for preference points.

Option 1 would allow any hunter who was awarded an elk, antelope or big horn sheep tag in the big game drawing to return the tag under specific conditions. Option 2 would allow any hunter who was awarded an elk, antelope or big horn sheep tag in the big game drawing to return the tag to the Department for any reason upon payment of a nonrefundable processing fee.

Additionally, this proposed regulatory action would allow the Department to conduct a random drawing for fund-raising big game license tags.

005- 2009 Summary of C, D12, and D17 Tag Quotas					
Tag	Year	Tag Quota	Date Tag Quota Filled	Comments	Date of Drawing
C	2005	9,025	7/6/2005	Tag quota filled after the drawing	6/17/2005
	2006	9,025	6/27/2006	Tag quota filled after the drawing	6/17/2006
	2007	8,575	6/20/2007	Tag quota filled in third round of the drawing. 1,005 hunters drawn out of 3,390 3rd choice applicants	6/20/2007
	2008	8,575	6/18/2008	Tag quota filled in second round of the drawing. 3,504 hunters drawn out of 6,754 2nd choice applicants	6/18/2008
	2009	8,150	6/16/2009	Tag quota filled in second round of the drawing. 2,126 hunters drawn out of 6,052 2nd choice applicants.	6/16/2009
D12	2005	950	7/19/2005	Tag quota filled after the drawing	6/17/2005
	2006	950	7/10/2006	Tag quota filled after the drawing	6/17/2006
	2007	950	6/20/2007	Tag quota filled in third round of the drawing. 24 hunters drawn out of 77 3rd choice applicants	6/20/2007
	2008	950	6/12/2008	Tag quota filled prior to the drawing	6/18/2008
	2009	950	6/2/2009	Tag quota filled prior to the drawing	6/16/2009
D17	2005	500	6/17/2005	Tag quota filled in third round of the drawing. 36 hunters drawn out of 119 3rd choice applicants	6/17/2005

005- 2009 Summary of C, D12, and D17 Tag Quotas					
Tag	Year	Tag Quota	Date Tag Quota Filled	Comments	Date of Drawing
	2006	500	6/17/2006	Tag quota filled in second round of the drawing. 142 hunters drawn out of 184 2nd choice applicants	6/17/2006
	2007	500	6/8/2007	Tag quota filled prior to the drawing	6/20/2007
	2008	500	5/20/2008	Tag quota filled prior to the drawing	6/18/2008
	2009	500	5/15/2009	Tag quota filled prior to the drawing	6/16/2009

Add Section 713 Re: Condemned Big-Game Carcasses

Existing regulations require big-game hunters to make all reasonable efforts to retrieve big-game animals and tag them immediately with the appropriate tag. Current regulations do not allow the Department to issue a duplicate tag if a harvested animal was sick, injured, or chemically immobilized rendering the carcass inedible or unfit for human consumption; once the animal is killed current regulations require the hunter to lawfully tag the animal and count as their bag limit for the hunt. This proposal establishes a regulatory procedure whereby a hunter in this situation can be issued a duplicate tag for the remainder of the season; be issued a tag for the subsequent season; have an additional point added to their original point total for that species to compete in the following big-game drawing; or request a refund and have their point total restored to the original amount.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Double Tree Hotel – Ontario Airport, Ontario, California, on Wednesday, March 3, 2010, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in The La Grande Room, Beach Resort Monterey, 2600 Sand Dunes Dr., Monterey, California, on Thursday, April 8, 2010, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 6, 2010 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. All comments must be received no later than April 8, 2010, at the meeting in Monterey. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format and modifications indicated in double strikeout/underline, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Jon Snellstrom at the preceding address or phone number. **Craig Stowers, Wildlife Programs Branch, Department of Fish and Game, phone (916) 445-3553, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Draft environmental documents, associated with the proposed regulatory actions for Bear and Elk Hunting, were made available for comment commencing January 27, 2010. Oral or written comments relevant to these documents will be received at the March 3, 2010, meeting in Ontario. Written comments on these documents may be submitted to the Commission office (address given herein) until 5:00 p.m., March 13, 2010. Draft environmental documents are available for review at the Commission office and at the Department of Fish and Game's, Wildlife Programs Branch office in Sacramento. Copies of the documents are also available for review at the Department offices in Redding, Rancho Cordova, Yountville, Fresno, Long Beach, Bishop, Eureka, Belmont, Monterey, Chino and San Diego. NO

WRITTEN COMMENTS ON DRAFT ENVIRONMENTAL DOCUMENTS WILL NOT BE ACCEPTED
AFTER 5:00 P.M. ON MARCH 13, 2010.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed actions will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Section 265

The proposed action eliminates undue restrictions on outdoor recreation by modifying dog control zone boundaries and removing restrictions pertaining to the use of tip switches and GPS technology on dog collars. Given the number of individuals who use or train dogs for hunting purposes will remain relatively static in California, this proposal is economically neutral to business.

Subsection 360(a)

The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Subsection 360(b)

The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Subsection 360(c)

The proposed action would modify season dates for two hunts, modify tag restrictions for one military hunt and adjust tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 361

The proposed action adjusts tag quotas for existing hunts and modifies the season closing date for one hunt. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 362

The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 363

Considering the small number of tags issued over the entire state, this proposal is economically neutral to business.

Section 364

Considering the small number of tags issued over the entire state, this proposal is economically neutral to business.

Section 365

The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 366

The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 555

Considering the small number of tags issued over the entire state, this proposal is economically neutral to business.

Sections 702 and 708, and subsection 360(d)

The proposed action adjusts the issuance of deer tags. These proposals are economically neutral to business.

Section 713

The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

For all Sections

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

- (h) Effect on Housing Costs:

None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be effective as and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: February 9, 2010

John Carlson, Jr.
Executive Director